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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2037 OF 2006
IN
CRIMINAL APPEAL NO. 515 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Order	Court's or Judge's Order

Mr.M.H. M.H.Mhatre-APP
None for respondent.

CORAM : R.S. MOHITE, J.

DATE : 27TH NOVEMBER, 2007.

P.C. :-

. This criminal application is filed by the State for leave to appeal against the Judgment and Order passed by IIIrd Ad-hoc Additional Sessions Judge, Sangli on 4th February, 2006 in Special Case No. 6 of 2005. The acquittal is from the offence punishable under section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, section 7(1)(d) of Protection of Civil Rights

Act. This acquittal is granted as the investigation was carried out by API and not by the Senior Police officer as required under the Atrocities Act. The investigating officer was not a police officer not below the rank of Dy.SP. The acquittal is also granted on the basis that no proper procedure had been followed while taking blood sample. The evidence is not sufficient to show that the accused was under the influence of alcohol though the CA's report indicate that he had consumed alcohol. In the light of the above, the leave against acquittal is refused. The application stands dismissed.

(R.S. MOHITE, J.)